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18
## UNITED STATES DISTRICT COURT
19
## DISTRICT OF NEVADA

20 ORACLE USA, INC.; and ORACLE
21 INTERNATIONAL CORPORATION,

22 Plaintiffs,

23 v.

24 RIMINI STREET, INC.; and SETH RAVIN,

25 Defendants.

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27

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Case No. 2:10-cv-0106-LRH-PAL

**DECLARATION OF KIEN PHUNG IN OPPOSITION TO ORACLE'S MOTION FOR A PERMANENT INJUNCTION**

1      I, Kien Phung, have personal knowledge of the facts stated below and under penalty

2 of perjury hereby declare:

3    1.  I am the Vice President of Global Siebel Service Delivery at Rimini Street, Inc.

4 ("Rimini").  I have been in that position since March 2013.  I have worked at Rimini since March

5 2008.

6

7    2.  As Vice President of Global Siebel Service Delivery, I oversee delivery of, and am

8 familiar with, Rimini's processes for providing support services related to Oracle's Siebel software

9 product.

10    3.  Rimini's current support processes for Siebel do not rely on the use of any "local"

11 Siebel environments or documentation on Rimini's computer systems.

12

13    4.  Rimini's current support process does not download or transmit onto Rimini's

14 computer systems any Siebel software or documentation from password-protected Oracle websites,

15 or upload such software or documentation from any Oracle installation media.

16    5.  Instead of using local or cloned copies of Siebel, Rimini's current process involves

17 remotely accessing a Rimini client's Siebel environments that Rimini uses to service that client.

18    6.  Certain of Rimini's clients have elected to store copies of Siebel software or

19 documentation on cloud computing platforms, such as Amazon or Windstream.  For those clients,

20 Rimini's current process involves remotely accessing the clients' Siebel software or documentation

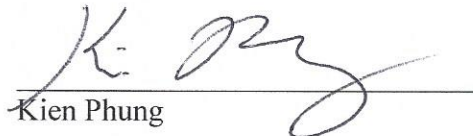21 that is stored in the cloud.

22

23    7.  Rimini's current process does not use automated tools to access or download Siebel

24 software or documentation from password-protected Oracle websites.

25    8.  When Rimini downloads Siebel software or documentation from password-protected

26 Oracle websites for a Rimini client, Rimini's current process involves using only that client's valid

27 login credentials.

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OPPOSITION TO ORACLE'S MOTION FOR A PERMANENT INJUNCTION

9.      Rimini's current process does not use one client's Siebel software or documentation to reproduce or "clone" a new environment for any other Rimini client.

10.     Rimini's current process does not reproduce Siebel software or documentation licensed to one client from that client to any other client.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Kien Phung

Executed on:    November 2, 2015
                Las Vegas, Nevada

1

**CERTIFICATE OF SERVICE**

2      I hereby certify that on November 2, 2015, I electronically filed the foregoing document with

3   the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing

4   system.   The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of

5   record who have consented in writing to accept this Notice as service of this document by electronic

6   means.

7                                By:  _/s/ Blaine H. Evanson_
                                          Blaine H. Evanson
8

9                                *Attorney for Defendants*
                                 *Rimini Street, Inc. and Seth Ravin*
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